

EXHIBIT 2

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3

4 MARGARET CONE,

5
6 Plaintiff,

7 vs.

Case No. 2:16-cv-11306

Hon. Sean F. Cox

Mag. Judge Stephanie D. Davis

8
9 MARK TESSLER, SHERMAN JACKSON,

10 and DAVID HOWELL,

11 jointly and severally,
12

13 Defendants.
14
15

16 VIDEOTAPED DEPOSITION
17

18 DEPONENT: SHERMAN A. JACKSON - NON-CONFIDENTIAL PORTION

19 DATE: Monday, October 9, 2017

20 TIME: 9:27 a.m.

21 LOCATION: Hooper Hathaway, P.C.

22 126 S. Main Street

23 Ann Arbor, Michigan

24 REPORTER: Elizabeth G. LaBarge, CSR-4467

25 JOB NO: 5380

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<p style="text-align: right;">Page 50</p> <p>1 THE WITNESS: I'm sorry. I apologize.</p> <p>2 BY MR. JUCKNIESS:</p> <p>3 Q And I should have said at the beginning, if you want to</p> <p>4 take a break at any time, just let us know.</p> <p>5 When did you first meet with Mark Tessler about the</p> <p>6 World Leadership Program?</p> <p>7 A I don't know the dates.</p> <p>8 Q Do you remember the year?</p> <p>9 A I believe it was 2008, I believe.</p> <p>10 Q And why did you meet with -- how did you know Mark</p> <p>11 Tessler at the time?</p> <p>12 A Well, he is a professor here and he's also a</p> <p>13 vice-provost and the --</p> <p>14 Q Provost for?</p> <p>15 A He's vice-provost in the university and a director of</p> <p>16 the International Institute, and he and I had actually</p> <p>17 sat on panels together about the Middle East. I had</p> <p>18 seen him lecture around the university on the Middle</p> <p>19 East and we got to know each other in that capacity.</p> <p>20 Q And did you approach him then with respect to the World</p> <p>21 Leadership Program?</p> <p>22 A Yes.</p> <p>23 Q And why did you approach him?</p> <p>24 A Because I felt that -- two things: One, with regard to</p> <p>25 any regulations with regard to the acceptance of</p>	<p style="text-align: right;">Page 51</p> <p>1 programs like this, that as a vice-provost, he would be</p> <p>2 the person who could best assure that everything would</p> <p>3 be okay; and then, two, that he had familiarity with the</p> <p>4 Middle East and he was very sympathetic to Middle</p> <p>5 Eastern students and so in terms of the crafting of the</p> <p>6 program as things went forth, he would be amenable to</p> <p>7 respond in ways that would be most facilitating for the</p> <p>8 program.</p> <p>9 Q Okay. And --</p> <p>10 A And he was head of the International Institute, so that</p> <p>11 was a possible -- a possible home.</p> <p>12 Q Okay. And in fact, you discussed the International</p> <p>13 Institute as the possible home at the University of</p> <p>14 Michigan with Ms. Cone, as well, correct?</p> <p>15 A I believe so, yes.</p> <p>16 Q And the International Institute would have in your mind</p> <p>17 made a proper home for the project for what reason?</p> <p>18 A According to my understanding at the time, because</p> <p>19 it -- my understanding at the time was that it had</p> <p>20 infrastructure.</p> <p>21 Q Okay. And at that time, 2008, 2009, had you done any</p> <p>22 projects with CPS?</p> <p>23 A No.</p> <p>24 Q And what is CPS?</p> <p>25 A As far as I understand, the Center for Political</p>
<p style="text-align: right;">Page 52</p> <p>1 Studies.</p> <p>2 Q Okay. And -- and is CPS part of another entity?</p> <p>3 A I can't say for sure.</p> <p>4 Q Okay. Do you know, is it part of the U of M?</p> <p>5 A That was my understanding at the time, but I can't say</p> <p>6 that for sure now either.</p> <p>7 Q Did you know one way or another at the time whether or</p> <p>8 not CPS was controlled by the University of Michigan?</p> <p>9 A I assumed it was.</p> <p>10 Q Okay. And did you later learn that that was not</p> <p>11 entirely accurate?</p> <p>12 A Not until this came out.</p> <p>13 Q Okay. And what did you learn?</p> <p>14 A Well, just what was in the Complaint.</p> <p>15 Q So as a professor at the University of Michigan, what</p> <p>16 was your understanding of what was required to get</p> <p>17 approval for a project to be housed at the University of</p> <p>18 Michigan?</p> <p>19 A Well, I didn't have a clear understanding, and this is</p> <p>20 one of the reasons why I turned to Mark Tessler, because</p> <p>21 I felt that being in the position that he is in as a</p> <p>22 vice-provost, he would have that understanding and that</p> <p>23 understanding would be acted upon.</p> <p>24 Q And did you recommend that he be the principal</p> <p>25 investigator instead of you?</p>	<p style="text-align: right;">Page 53</p> <p>1 A I -- I faintly recall a conversation, but I can't commit</p> <p>2 to an answer on that one way or another.</p> <p>3 Q In fact, you took on the role as principal investigator,</p> <p>4 correct?</p> <p>5 A Yes, I believe, yes.</p> <p>6 Q And what is principal investigator?</p> <p>7 A Basically, overseer of the project and the one who</p> <p>8 ensures that it's consistent with its description and</p> <p>9 budgetary dictates.</p> <p>10 Q Um-hmm. And what approvals are required for you to</p> <p>11 become principal investigator on a sponsored project?</p> <p>12 A I'm not sure.</p> <p>13 Q Did you have any idea of what those obligations were at</p> <p>14 the time?</p> <p>15 A I'm not sure.</p> <p>16 Q You don't recall one way or the other?</p> <p>17 A I have -- I had a general idea, but I don't recall</p> <p>18 consulting any regulations on principal investigators.</p> <p>19 Q You did produce a professor's handbook of regulations in</p> <p>20 this case. Did you review that in connection with your</p> <p>21 role as principal investigator?</p> <p>22 A No.</p> <p>23 Q And so did you know what approvals were required in</p> <p>24 order to make an agreement on behalf of the university?</p> <p>25 A No.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q Okay. And do you have an explanation then as to why the</p> <p>2 effort reporting that we just went through is</p> <p>3 inaccurate?</p> <p>4 A Well, again, only just what I just said --</p> <p>5 Q Okay.</p> <p>6 A -- about my summer -- my summer compensation was not</p> <p>7 based on any particular obligations I had to the</p> <p>8 university, so I'm not obligated to teach or serve in</p> <p>9 any administrative capacity.</p> <p>10 Q You have 75 percent effort available for other things</p> <p>11 during the summer, is that correct?</p> <p>12 A No. What I'm saying is that I have zero obligation to</p> <p>13 the university, in my understanding, over the summer.</p> <p>14 Q You have a 25 percent obligation to the law school for</p> <p>15 each month of the 12-month period, is that correct?</p> <p>16 A No. My understanding is that my twenty -- and I may be</p> <p>17 understanding this incorrectly, but my understanding is</p> <p>18 that my 25 percent to the law school is divided into</p> <p>19 course obligations. I'm required to offer three courses</p> <p>20 to LS&A and one course to the law school, but that</p> <p>21 occurs over the nine or ten-month -- nine-month semester</p> <p>22 calendar for the year. During the summer, I don't have</p> <p>23 any obligation to the law school and I don't have any</p> <p>24 obligation to LS&A.</p> <p>25 Q So what percentage effort do you have available to</p>	<p style="text-align: right;">Page 87</p> <p>1 dedicate to any program during -- or did you have</p> <p>2 available to dedicate to a program during the summer of</p> <p>3 2009 or 2010?</p> <p>4 A Well, again, I'm not on the clock, so I could do -- I</p> <p>5 could -- I don't know how that would be calculated,</p> <p>6 that's my point.</p> <p>7 Q Okay. And you didn't ask your boss at the LS&A --</p> <p>8 A No.</p> <p>9 Q -- how you'd calculate that?</p> <p>10 A No, I did not.</p> <p>11 Q Who was your boss at the LS&A?</p> <p>12 A At that time, I think it was Michael Bonner.</p> <p>13 Q And what was his position or --</p> <p>14 A Chair.</p> <p>15 Q -- title?</p> <p>16 A He was chair of Near Eastern Studies.</p> <p>17 Q And who was the dean --</p> <p>18 COURT REPORTER: I'm sorry. Of?</p> <p>19 A Chair of Near Eastern Studies.</p> <p>20 COURT REPORTER: Thank you.</p> <p>21 BY MR. JUCKNISS:</p> <p>22 Q And who was the dean of LS&A?</p> <p>23 A I believe at the time, it was, I believe, Terry</p> <p>24 McDonald, but I might not have that right.</p> <p>25 Q So -- and we'll come back to that, but back on the</p>
<p style="text-align: right;">Page 88</p> <p>1 effort reporting then, during the cal -- during the</p> <p>2 school year, from September to May, what percentage</p> <p>3 effort did you have available to dedicate to other</p> <p>4 projects?</p> <p>5 A Again, whatever I could arrange personally as long as I</p> <p>6 fulfilled my obligations to the university.</p> <p>7 Q And anything that you arranged personally then, you did</p> <p>8 as an independent contractor and not as an employee?</p> <p>9 A Not necessarily. If I went and gave a lecture, yes, I</p> <p>10 guess they would pay me as a -- as an independent</p> <p>11 contractor.</p> <p>12 Q Okay. Were you paid as an independent contractor by</p> <p>13 Seton Hall?</p> <p>14 A Actually, I was paid as, I think, an employee of Seton</p> <p>15 Hall. I think. I am not -- I'm not 100 percent sure of</p> <p>16 the arrangement.</p> <p>17 Q And were you paid as an employee or as an independent</p> <p>18 contractor by the World Leadership Program?</p> <p>19 A My understanding is I was paid as an employee.</p> <p>20 Q As an employee of what?</p> <p>21 A University of Michigan.</p> <p>22 Q What department of the University of Michigan?</p> <p>23 A I'm not sure.</p> <p>24 Q What department did you --</p> <p>25 A Oh.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q -- were you approved --</p> <p>2 A Strike that. I -- I elected to be paid under my law</p> <p>3 school commitment.</p> <p>4 Q You elected to be paid under your law school commitment?</p> <p>5 A Yes.</p> <p>6 Q And that was because your law school commitment paid</p> <p>7 more money than your LS&A?</p> <p>8 A Actually, it paid less.</p> <p>9 Q It paid less. And then that was because you had more</p> <p>10 effort available? Why under your law school commitment</p> <p>11 instead of your LS&A commitment?</p> <p>12 A Because as I said, that the law school commitment turned</p> <p>13 out to be less money taken from the -- in other words,</p> <p>14 I'd be paid less money. I was trying not to be --</p> <p>15 Q Greedy?</p> <p>16 A Okay.</p> <p>17 Q And were you paid by the law school?</p> <p>18 A In terms of?</p> <p>19 Q By the -- in connection with the World Leadership</p> <p>20 Program?</p> <p>21 A I don't know what the arrange -- what the backstage</p> <p>22 arrangements were. When I was approached and asked to</p> <p>23 be -- asked to submit what arrangement under which I</p> <p>24 would be paid, I said my law school salary.</p> <p>25 Q And you didn't get any approval from your boss at the</p>

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1 MR. BOURQUE: Why don't we take a really quick
2 break --
3 MR. JUCKNISS: Yeah, we'll take a break --
4 MR. BOURQUE: -- it's 11:35.
5 MR. JUCKNISS: -- we've been --
6 THE WITNESS: Just a throat lozenge --
7 MR. JUCKNISS: No, we don't have to get -- it's
8 fine. Let's go off and we can take a break.
9 VIDEOGRAPHER: The time is 11:34 a.m. We are now
10 off the record.
11 (Whereupon a break was taken.)
12 VIDEOGRAPHER: The time is 11:42 a.m. We are now
13 on the record.
14 BY MR. JUCKNISS:
15 Q In connection with your -- in connection with your
16 conversations with Margaret Cone in 2009 in preparing
17 for the World Leadership Program, it's your testimony
18 that you were only acting on behalf of the University of
19 Michigan and not on behalf of yourself as an independent
20 contractor?
21 A Yes, I was -- I was pursuing the possibility of the
22 University of Michigan housing or hosting this project,
23 and that was in my capacity as an employee of the
24 University of Michigan. I didn't understand any reason
25 why she would be coming to me other than that.

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1 A Lisa Bitel.
2 Q How do you spell that last name?
3 A B-i-t-e-l.
4 Q And did you talk to her about the World Leadership
5 Program at any time?
6 A No, I did not.
7 Q Did you talk to her about this deposition?
8 A No, I did not.
9 Q Does anyone at USC know you're here for this deposition?
10 A I don't think so.
11 (Exhibit 5 was marked for identification.)
12 BY MR. JUCKNISS:
13 Q I'm handing you what's been marked as Exhibit 5. This
14 is U-M Subpoena Response 2454 through 2465 and this is a
15 project approval form attachment, and if you flip
16 through this collection of documents, and we'll go into
17 some of them in more detail, but let me ask, do you
18 recall certifying a set of documents like this with
19 respect to requested approval for the World Leadership
20 Program at the University of Michigan?
21 A I don't understand your question. Certify with whom?
22 Q With the University of Michigan?
23 A How would that -- so submitting a request for
24 certification or --
25 Q For a project approval form?

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1 Q And you were acting on behalf of the U of M LS&A school?
2 A Well, I'm not sure in behalf, but I -- I was an employee
3 of the University of Michigan. And so I was -- I
4 was -- I was proceeding as an employee of the University
5 of Michigan. I assume that that's the capacity in which
6 Mark Tessler had conversations with me.
7 Q And then you were paid as an employee of CPS?
8 A I don't know how I was paid. I mean, I assume that,
9 based on what we just saw.
10 Q And who at the university confirmed that with respect to
11 the WLP, you were acting on behalf of the University of
12 Michigan with respect to that project?
13 A I don't know.
14 Q Did anybody?
15 A I don't know.
16 Q You don't recall anybody confirming that you had
17 properly acted on behalf of the University of Michigan?
18 A I don't know.
19 Q Who's your current boss?
20 A The dean?
21 Q Yeah, at USC.
22 A April Miller.
23 Q April Miller, that's who you report to?
24 A Well, I report to my chair.
25 Q Okay. Who's your chair?

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1 A I don't recall that, no.
2 Q Do you know what a project approval form is?
3 A Well, I know what I saw this morning.
4 Q You know the principal investigator is responsible for
5 the project approval form?
6 A I did not know that.
7 Q Did you know that the principal investigator is
8 responsible for ensuring the accuracy of the information
9 in the project approval form?
10 A I did not know that.
11 Q Did you ever try to ensure the accuracy of any project
12 approval form?
13 A I didn't -- I wasn't aware that project approval forms
14 were being generated.
15 Q Okay. So this document, you'll see it lists off a
16 variety of proposal documents, PAF documents, and then
17 award documents, do you see those categories?
18 A PAF?
19 Q Um-hmm. And then it says "Proposal Documents"?
20 A Okay.
21 Q And it says "ProposalNoteForPAF"?
22 A "ProposalNoteForPAF," uh-huh.
23 Q And then underneath that, it lists other documents, but
24 let's just go to the proposal.
25 Was there a World Leadership Program proposal that

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<p>Page 120</p> <p>1 rules.</p> <p>2 Q As the PI on the project, you understood it was your</p> <p>3 obligation to ensure that the money was spent in</p> <p>4 accordance with the budget as agreed?</p> <p>5 A Yes, basically. But there were two issues. One,</p> <p>6 that -- my understanding was that it was agreed that the</p> <p>7 budget would have to be adjusted, and I think that even</p> <p>8 Ms. Cone agreed to that. I'm not saying she agreed to</p> <p>9 the specifics, but that there would be certain</p> <p>10 adjustments. And that whatever was agreed upon then</p> <p>11 would be passed through university procedures, and that</p> <p>12 would ensure that everything was okay.</p> <p>13 Q And who was responsible for passing the adjustments</p> <p>14 through university procedures?</p> <p>15 A I would assume CPS.</p> <p>16 Q And who at CPS?</p> <p>17 A I would assume either David Howell or Nancy Burns.</p> <p>18 Q Not Mark Tessler?</p> <p>19 A I'm not -- I don't -- I'm not sure that Mark Tessler</p> <p>20 would have had very much to do with that at CPS, I'm not</p> <p>21 sure, I don't know.</p> <p>22 Q Did you have an understanding that Mark Tessler was on</p> <p>23 sabbatical or educational --</p> <p>24 A I did not.</p> <p>25 Q -- leave at the time?</p>	<p>Page 121</p> <p>1 A I did not.</p> <p>2 Q He didn't tell you that?</p> <p>3 A I don't recall him telling me that or his --</p> <p>4 Q Do you know that now?</p> <p>5 A Well, yes, I read the Complaint, yes.</p> <p>6 Q Do you have an understanding of what time he had</p> <p>7 available to work on the project, given his leave</p> <p>8 status?</p> <p>9 A As I said, I didn't know that at the time, so --.</p> <p>10 Q Do you have an understanding now as to what time he</p> <p>11 would have available to work on the project?</p> <p>12 A No, I don't.</p> <p>13 Q How much time did you expect him to work on the project?</p> <p>14 A I couldn't quantify it. But again, part of the reason I</p> <p>15 couldn't quantify it was because the kind of</p> <p>16 conversations that were had about what the project would</p> <p>17 ultimately entail were still in a state of evolving.</p> <p>18 Q Okay. And after they evolved, what were Tessler's</p> <p>19 duties with respect to the project?</p> <p>20 A In my understanding, that Tessler was going to be among</p> <p>21 the teachers.</p> <p>22 Q Okay. Anything else?</p> <p>23 A I can't recall in full, no.</p> <p>24 Q Was he a co-PI?</p> <p>25 A Oh. Yes.</p>
<p>Page 122</p> <p>1 Q So he was also --</p> <p>2 A In my understanding, yes.</p> <p>3 Q He was also responsible with -- along with you to ensure</p> <p>4 that the money was spent in accordance with --</p> <p>5 A Yes.</p> <p>6 Q -- the budget?</p> <p>7 A Yes.</p> <p>8 Q Do you know if he was acting as an employee or an</p> <p>9 independent contractor?</p> <p>10 A I assume as an employee.</p> <p>11 Q And it was part of his effort reporting?</p> <p>12 COURT REPORTER: I'm sorry, what was that?</p> <p>13 BY MR. JUCKNISS:</p> <p>14 Q And it was part of his effort reporting?</p> <p>15 A I don't know.</p> <p>16 Q Well, it would have to be if he was acting as an</p> <p>17 employee, right?</p> <p>18 MR. BOURQUE: Objection to the form, presumes facts</p> <p>19 not in evidence.</p> <p>20 Go ahead.</p> <p>21 BY MR. JUCKNISS:</p> <p>22 Q If you know.</p> <p>23 A I don't know.</p> <p>24 Q Okay. Let me have you turn to 2457, it's the next page.</p> <p>25 A Um-hmm.</p>	<p>Page 123</p> <p>1 Q Did you prepare this budget?</p> <p>2 A I don't recall preparing this.</p> <p>3 Q Do you recall approving this budget?</p> <p>4 A This budget, certainly based on the bottom line, looks</p> <p>5 consistent with the budget that was basically drawn up</p> <p>6 by Ms. Cone, so I think that something along this order</p> <p>7 was generally understood to be the budget, but I don't</p> <p>8 recall drawing up these specifics.</p> <p>9 Q All right. I'm showing you Cone 2594, which is an</p> <p>10 attachment to that October email on Exhibit 1.</p> <p>11 A Um-hmm.</p> <p>12 Q Do you recognize that budget?</p> <p>13 A It looks like an iteration of the budget as generally</p> <p>14 recognized.</p> <p>15 Q And that was the budget that was shared with Ambassador</p> <p>16 Otaiba --</p> <p>17 A I believe so.</p> <p>18 Q And that was the budget that was approved?</p> <p>19 A I believe so.</p> <p>20 Q And do you know who prepared this budget?</p> <p>21 A I do not.</p> <p>22 MR. BOURQUE: When you say "this," you're --</p> <p>23 MR. JUCKNISS: 2457.</p> <p>24 MR. BOURQUE: -- referring to 2457?</p> <p>25 BY MR. JUCKNISS:</p>